REMARKS

Claims 1-8 and 10-20 remain in this application.

For the sake of clarity, and to emphasize the patentable distinctions of applicant's invention over the prior art, claim 1 has been amended to recite a system for placing an advertisement on the monitor of a computer of a user of an Internet Service Provider connected to the computer via a connection having a connection speed and compensating said user for receiving and viewing said advertisement, that requires compensation means for compensating said registered user for receiving and viewing said advertisement provided said user has previously registered, the compensation means compensating said registered user by delivering free hardware or software. This amendment is clearly supported by the original specification. In particular the amendment is clearly supported by the original specification, at page 10, lines 16-20. Consequently, no new matter has been added.

Applicant's invention provides a system and method for disseminating advertising via the Internet. In one aspect, the invention provides an Internet user the opportunity to receive compensation in exchange for accepting the display of advertisements on his/her computer monitor in a non-dismissible browser window, wherein each advertisement is displayed for a predetermined time period. Although other forms of advertising via the Internet are known, the present system provides a combination of benefits to both the advertiser and the user. The advertiser has assurance that advertisements will be presented to the user, and the likelihood for the advertiser of influencing the user is increased, since the advertisement is inexorably displayed on the user's computer web browser for a known time interval. The user, on the

other hand, has voluntarily agreed to accept such advertising in exchange for assured compensation in the form of free hardware or software.

Claim Rejections – 35 USC § 112

Claims 1-7 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner has stated the following. Claim 1 states that the compensation means is free hardware or software, however this is misdescriptive. The "means" is the structure or programmed capability that awards the compensation – not the award itself.

Claim 1 has been amended to recite a system that requires compensation means for compensating said registered user for receiving and viewing said advertisement provided said user has previously registered, the compensation means compensating said registered user by delivering free hardware or software. In view of the amendment to claim 1, it is submitted that claim 1, and claims 2-7 dependent thereon, are no longer misdescriptive.

Accordingly, reconsideration of the rejection of claims 1-7 as being indefinite under 35 U.S.C. 112, second paragraph is respectfully requested.

Claim Rejections – 35 USC § 103

Claims 1, 3-8, 10-15, and 20 were rejected under 35 USC 103(a) as being unpatentable over US Patent 6,687,737 to Landsman et al. in view of US Patent 5,855,008 to Goldhaber et al.

Landsman et al. disclose a technique for implementing in a networked client-server environment, e.g., the Internet, network distributed advertising in which advertisements are downloaded from an advertising server to a browser executing at a client computer. The advertisements are subsequently displayed interstitially in response to a click-stream generated by the user to move from one web page to another.

Goldhaber et al. provides an approach for distributing advertising and other information over a computer network. The method is said to be usable to provide direct, immediate payment to a consumer for paying attention to an advertisement or other information.

As amended, claim 1 (and claims 3-7 and 20 dependent thereon) requires a registration means by which an Internet user can become a registered user and a compensation means by which the user is thereafter compensated, e.g. by receiving free hardware or software, for receiving advertisements that are displayed on the user's computer monitor in a window that cannot be dismissed before a predetermined time period fixed in the protocol by which the advertisement is transmitted from the Internet Service Provider. As amended, claim 1 is submitted to require in combination (i) the aforementioned registration means, (ii) compensation means for compensating the user for receiving and viewing the advertisement

provided the user has previously registered, the compensation means compensating the user by delivering free hardware or software, and (iii) at least one application logic set stored on the server, each of the application logic sets being provided with means for causing a browser of the user to display the advertisement in a non-dismissible and temporary browser window on the monitor for a predetermined time period. It is submitted that the required combination of these features is not disclosed or suggested by Landsman et al. in view of Goldhaber et al. It is thus submitted that the subject matter of claims 1, 3-7, and 20 is nonobvious over Landsman et al. in view of Goldhaber et al.

Nowhere in Goldhaber et al. is there any disclosure or suggestion of compensating the user for receiving and viewing the advertisements by delivering free hardware or software to the user. By way or comparison, the payments 60(a) and 60(b) which are given to consumers by Godhaber et al. are in the form of cash, and are not in the form of tangible computer goods. *See* Figs. 5 and 6 of Goldhaber et al, which depict the payment as a dollar bill. Applicant's invention allows the users who are compensated to experience certain hardware or software for their computing needs. For example, the free software or hardware may be affiliated with the same advertiser whose advertisement is being viewed by the user. The user may enjoy the free hardware or software enough to encourage him to purchase additional hardware or software from the same source again. By "sampling" certain hardware or software, this acts partly as an additional means for advertising to the user. Significantly, the compensation means of present claims 1-8 and 10-20 is limited to computer goods – namely, hardware or software.

The Examiner has further stated the following. Goldhaber et al. teaches that the compensation may be cash or credit transferred to the user's computer or into her account [col 7, lines 51-54]. Goldhaber et al. also teaches that the digital cash can have generic usefulness or can be restricted in its use to a coupon for particular product(s) [col 11, lines 25-31, col 10, lines 58-63]. It would have been obvious to one of ordinary skill at the time of the invention to have awarded the ad-viewing users with coupons for any type of product including free hardware in a manner as is generally well known. Further, Golhaber et al. teaches that the rewarded compensation can be in turn used/redeemed for transactions [col 10, line 67 to col 11, line 7; col 12, lines 2-14; col 19, lines 63+]. It would have been obvious to one of ordinary skill at the time of the invention to have used the cash/credits earned through Goldhaber et al.'s system and simply purchased hardware – this results in what is taken to be compensation of free hardware.

Applicant respectfully traverses this argument. Applicant submits that using credits to purchase hardware is very different than directly receiving free hardware or software. As amended, claim 1 requires that the compensation means compensates the user by delivering free hardware or software. The result is that the user receives the free hardware or software automatically, and does not have to first redeem any coupons in order to receive the free hardware or software. By way of comparison, the cash or credits disclosed by the system of Goldhaber et al. can be used to purchase just about anything and requires some action on behalf of the user in order to receive any tangible goods. On the other hand, by requiring the

user to automatically receive free hardware or software, the internet advertisers that participate in the system called for by present claim 1 can supplement their advertising by delivering certain computer hardware or software that is related to and/or supplemental to their online business advertisement. This provides supplemental advertising to the user and makes the system called for by present claim 1 very attractive to potential Internet advertisers. Applicant further submits that the Examiner has not established a *prima facie* case of obvious against present claim 1 because he has not pointed to any reference that discloses an internet advertising system that includes, *inter alia*, a compensation means for compensating said registered user for receiving and viewing said advertisement provided said user has previously registered, the compensation means compensating said registered user by delivering free hardware or software.

In summary, present claims 1-8 and 10-20 call for a system as follows: (i) the consumer views an advertisement; and (ii) the advertiser compensates the consumer by delivering free hardware or software. Goldhaber et al. does not disclose or suggest compensating a user for viewing advertisements, wherein the compensation constitutes free hardware or software. Significantly, there is no mention of free hardware or software as the form of compensation in Goldhaber et al. In this respect, Goldhaber et al. does not add to the teaching of Landsman et al.; the Goldhaber et al. teaching cannot be properly combined with the Landsman et al. teaching to render obvious the system and method defined by claims 1-8 and 10-20, as amended.

Clearly, any system constructed from the combined teachings of the cited references would not contain both a registration means and compensation means for compensating a registered user for receiving and viewing said advertisement, wherein compensation was in the form of free hardware or software. In view of the amendment to claim 1 and the foregoing remarks, it is submitted that system claims 1, 3-7, and 20 are patentable over Landsman et al. in view of Goldhaber et al.

In as much as present claim 8 (and claims 10-14 dependent thereon), as well as present claim 15 have been amended in the same fashion as present claim 1, it is submitted that claims 8 and 10-15 are novel over Landsman et al. in view of Goldhaber et al. for the same reasons discussed hereinabove, regarding the rejection of claim 1. In particular, claim 8 (and claims 10-14 dependent thereon), as well as present claim 15 have been amended to require a method for advertising to a user of an Internet Service Provider, comprising the step of compensating the user for receiving and viewing the advertisement provided said user has previously registered, the compensation comprising free hardware or software.

Further regarding claim 8, applicant respectfully submits that any system implemented in accordance with the combined teaching of Landsman et al. and Goldhaber et al. would not incorporate the features required by claim 8. While Goldhaber et al. admittedly discloses certain forms of compensation of computer users, it is submitted that the Goldhaber et al. technique differs from that of claim 8 in significant respects. In particular, the Goldhaber et al. technique calls for users to be presented with a window having a list of ads that the user

may elect to view. Col. 7, lines 28-30. Next to the titles displayed on the ad list is a "consumer interface button" with a distinctive style. The user receives compensation only after opening one of the listed ads by mouse-clicking the customer interface button corresponding to the given ad. Col. 7, lines 51-55. The user thus may avoid seeing ads altogether, albeit foregoing compensation as a result. By way of contrast, in the method provided by amended claim 8, by the act of registering, the user is assured of compensation. Further, the combined teaching of Landsman et al. and Goldhaber et al. does not disclose or suggest the particular type of compensation as required by present claims 1-8 and 10-20, namely, compensation being in the form of free hardware or software. Even in combination, Landsman et al. and Goldhaber et al. fail to disclose or suggest such a method for compensating the users.

In view of the amendments to claim 8 (as well as claims 10-14 dependent thereon) and claim 15, and the foregoing remarks, it is submitted that claims 8 and 10-15 are patentable over Landsman et al. in view of Goldhaber et al.

Accordingly, reconsideration of the rejection of claims 1, 3-8, 10-15, and 20 under 35 USC 103(a) as being unpatentable over Landsman et al. in view of Goldhaber et al. is respectfully requested.

Claims 2 and 16-19 were rejected under 35 USC 103(a) as being unpatentable over Landsman et al. in view of Goldhaber et al. and US Patent 5,854,897 to Radziewicz et al.

Radziewicz et al. discloses a communications marketing system, which allows a client station accessing a computer network through a Network Service provider to receive advertisements whenever the connection path between the client station and the Service Provider is idle.

Significantly, neither Landsman et al., Goldhaber et al., nor Radziewicz et al. discloses or suggests any system having, in combination, the aforementioned features delineated by claim 1, from which claims 2 and 18 depend, or claim 16, from which claims 17 and 19 depend, namely (i) registration means, (ii) compensation means for compensating the user for receiving and viewing the advertisement provided the user has previously registered, the compensation means compensating the user by delivering free hardware or software, and (iii) at least one application logic set stored on the server, each of the application logic sets being provided with means for causing a browser of the user to display the advertisement in a non-dismissible and temporary browser window on the monitor for a predetermined time period. It is therefore respectfully submitted that claims 2 and 16-19 patentably define over the proposed combination of Landsman et al., Goldhaber et al., and Radziewicz et al.

Accordingly, reconsideration of the rejection of claims 2 and 16-19 under 35 USC 103(a) as being unpatentable over the combination of Landsman et al., Goldhaber et al. and Radziewicz et al. is respectfully requested.

CONCLUSION

In view of the amendment to the claims and the foregoing remarks, it is respectfully submitted that the present application has been placed in allowable condition. Reconsideration of the rejections set forth in the Office Action dated October 12, 2006, and allowance of claims 1-8 and 10-20, as amended, are earnestly solicited.

Respectfully submitted,

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